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SUPREME COURT OF THE UNITED STATES.

No. 261.

THE UNITED STATES, APPELLANTS,

vs.

CLAUDE CHANA, WM. MARTIN, THOMAS P. TURNER, AND ALBERT ROWE.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this twenty-first day of April, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Claude Chana, for the place named Nemshas, was presented, and ordered to be filed and docketed with No. 196, and is as follows, to wit:

(Vide page 5 of this Transcript.)

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit:

SAN FRANCISCO, *April 23d*, 1852.

In case No. 196, Claude Chana, for the place named Nemshas, the deposition of John Bidwell, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *February 28th*, 1853.

In the same case, the counsel for the claimant filed the following motion, to wit:

Claimant in this case moves the board to allow a supplemental petition to be filed in the above claim, embracing other parties claiming under the original claimant.

(Signed) ROSE, *for Claimants.*

Which motion having been sustained, the board granted the leave asked for.

SAN FRANCISCO, *March 2d*, 1853.

In the same case, the counsel for T. P. Turner and Albert Rowe presented a supplemental petition, which was ordered to be recorded and filed among the papers in the case.

(Vide page 23 of this Transcript.)

SAN FRANCISCO, *March 3d*, 1853.

In the same case, the counsel for William Martin presented a supplemental petition, which was ordered to be recorded and filed among the papers in the case.

(Vide page 25 of this Transcript.)

SAN FRANCISCO, *March* 14*th*, 1853.

Case No. 196, on motion of the United States law agent, was placed on the trial docket.

SAN FRANCISCO, *March* 28*th*, 1853.

Case No. 196 called. Ordered to the foot of the trial docket.

SAN FRANCISCO, *April* 11*th*, 1853.

Case No. 196 called. The counsel for the claimant, Mr. Rose, read the petition and the papers in evidence; the United States associate law agent filed his brief. Submitted and taken under advisement by the board.

SAN FRANCISCO, *April* 23*d*, 1853.

Commissioners Hiland Hall and Harry J. Thornton returned to the secretary the papers appertaining to case No. 196, (and others,) which they had under advisement, without making decisions thereon; after which they withdrew, and ceased to act as commissioners and members of this board.

SAN FRANCISCO, *July* 11*th*, 1853.

Case No. 196, on motion of the United States law agent, was ordered to be placed on the trial docket.

SAN FRANCISCO, *August* 1*st*, 1853.

Case No. 196 was submitted upon briefs on both sides.

SAN FRANCISCO, *Aug.* 9*th*, 1853.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(Vide page 48 of this Transcript.)

SAN FRANCISCO, *March* 13*th*, 1854.

In the same case an authenticated copy of the deposition of John A. Sutter, a witness in behalf of the claimant, taken in case No. 201 before Commissioner James Wilson on the 13th May, 1852, was filed as evidence in this case in accordance with stipulation.

(Vide page 10 of this Transcript.)

In the same case an authenticated copy of document marked H. H. and J. W., annexed to the deposition of John Bidwell, a witness in behalf of the claimant in case No. 201, taken before Commissioner Hiland Hall on the 16th April, 1852, was filed as evidence in this case in accordance with stipulation.

(Vide pages 21 and 48 of this Transcript.)

SAN FRANCISCO, *Nov.* 29*th*, 1854.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(Vide page 49 of this Transcript.)

SAN FRANCISCO, *Jan'y* 23*d*, 1855.

In the same case Commissioner Alpheus Felch delivered the opinion of the board confirming the claim.

(Vide page 63 of this Transcript.)

And the following order was made, to wit:

(Vide page 81 of this Transcript.)

Petition.

To the hon. the Board of Land Commissioners for settling private land claims in California:

The petition of Claude Chana respectfully submits to your hon. board the accompanying title and translation of a grant of land, consisting of four leagues, and situated on the south side of Bear creek, in Yuba county, which said grant was made to Theodore Sicard by Governor Micheltorena, under the laws of Mexico, on the 26 of July, 1844; the one-half of which said land was by said Sicard conveyed to your petitioner on the 1st June, 1849.

Your petitioner further represents, that there is no conflicting claim to said land, as known to him; that said land has been in actual occupation and cultivation from the date of the grant to the present time, as will be duly proved by witnesses to be produced before your honorable board.

All which is respectfully submitted for such action as the justice and nature of the case may require.

ROSE, *for Petitioner.*

Title marked B.
Translation " C.
Transfer " D.

Filed in office April 21st, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Bidwell.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, *San Francisco, April 22d,* 1852.

On this day before Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in the State of California, came John Bidwell, a witness produced on behalf of Claude Chana, claimant in the case of his petition, being No. 196 on the docket of the board, and, after being duly sworn, testified as follows:

The law agent was notified and attended by Mr. Greenhow.

Questions by the Claimant.

Question 1. What is your name, age, and place of residence?

Answer. My name is John Bidwell; my age thirty-two years, and my residence Chico, Butte county, California.

Question 2d. Are you acquainted with Theodore Sicard, the claimant in this behalf? If so, state how long and where you have known him.

Answer. I am acquainted with him, and have known him since March, 1843, in Sacramento valley, in this State.

Question 3d. State whether or not you know of any grant of land being made to him; if yea, state by whom, when, and under what circumstances.

Answer. He received a grant in 1844, by virtue of what was called a general title made to him and sundry other persons, all of whom were citizens of the Sacramento valley, and who had solicited land and obtained favorable information from Capt. John A. Sutter, previous to the 22d of December, 1844.

Quest. 4. State the location of the land granted to the claimant in this behalf.

Answer. The land is on the south side of Bear creek, a tributary of Feather river, in California.

Question 5. Will you examine the document on file in the office of the secretary of the board of land commissioners in California, being referred to as Exhibit "B" in the petition filed by Claude Chana, and which is No. 196 on the docket of cases, and state whether you know the handwriting of Micheltorena, Manuel Jimeno, and John A. Sutter; and if so, are their signatures, where they occur in and upon the said document Exhibit "B," their genuine signatures? and state also whether the map, which is a part of said exhibit, and attached thereto, is a correct delineation of the land granted to the claimant.

Answer. I have examined the said document Exhibit "B." I am acquainted with the handwriting of the persons named in the question, and their signatures are genuine where they occur in and upon the same. The map appended thereto is a correct delineation of the land granted.

Question 6. State, if you know, whether any efforts were made to obtain a perfect title, or one in due form in this case, and what you may know on this subject.

Answer. I was employed by Mr. Sicard to take this expediente to Los Angeles, to obtain the title in due form, in the spring of 1846, but was prevented from doing so by the breaking out of the war, and the difficulty with the Indian who intervened between Sacramento, where I had the expediente, and Los Angeles.

Quest. 7. Do you know whether this land was occupied and cultivated by the grantee, and when, and how?

Answer. In the year 1845, I think in the summer of that year, the grantee went upon the land, built a house upon it, enclosed part of it, and sowed grain upon it. He also took stock with him upon said land.

Question 8. How long did said grantee continue to live upon said land?

Answer. He continued to occupy it till 1849.

Cross-interrogatories by the United States Law Agent.

Cross-interr'y 1. Do you know whether any petition in this case was presented to Gov'r Micheltorena?

Answer. I do, for I presented it myself.

Question 3. How often did you present it to him?

Answer. I presented it to him twice—once in July, 1844, and once in the fall of the same year.

Question 3. What was the object of presenting it to him the second time?

Answer. Because the grantee desired to make his settlement and improvements, and wished to be safe in doing so.

Question 7. Did you, on the occasion of your second application, ask Micheltorena for a title in due form of law?

Answer. I did, for this land as for others with which I was charged for the same purpose.

Question 5. What answer did the governor give to your application?

Answer. The governor said that when he came up to Sacramento, he would make the titles or despatch them at that time.

Question 6. Did you ever repeat your application?

Answer. I did not.

J. BIDWELL.

Sworn to and subscribed before me, the 22d of April, 1852.

HARRY J. THORNTON, *Com'r.*

Filed in office April 22d, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. A. Sutter.

Case No. 201—Upon the docket for confirmation of the grant of Rancho Aguas Nuvis.

BOARD OF COMMISSIONERS

To ascertain and settle Private Land Claims in California.

On this 13th day of May, A. D. 1852, came before me, James Wilson, one of said commissioners, Capt. John A. Sutter, a witness offered by Samuel J. Hensley, petitioner, and being duly sworn, gave the following testimony:

Geo. W. Cooley, law agent of the United States, was notified, and did attend to the taking of the testimony of said witness.

In answer to interrogatories propounded by petitioner's counsel, the deponent answers as follows:

I am acquainted with the handwriting of Gov. Micheltorena, and have seen him write very often. The paper now shown me as

an original paper, and purporting to be the certificate of the governor of naturalization of Sam'l J. Hensley as a citizen of Mexico, is a genuine paper, and the signature of Manuel Micheltorena to said paper is his true signature.

The commissioner has affixed his initials to said paper, and marked it as follows: J. W. No. 1. I have also compared said paper with document marked Exhibit C, on the files in this cause, and I find the said Exhibit C to be a true copy in the Spanish language, and the translation of the same into English to be substantially correct.

I further that an original paper purporting to be the original of paper marked Exhibit A, in said which is now shown me, is a genuine paper, and the signatures of Gov'r Man'l Micheltorena, Sec'y Man'l Jimeno, the signature of Sam'l J. Hensley and my own signature, where they occur on said paper, are all genuine signatures of those several persons.

The last paper attached to said Exhibit A, marked by the commissioner as follows, J. W., I have carefully examined, and I state that I gave a copy of this original paper, which I had received from Gen'l Micheltorena, to Sam'l J. Hensley as security for the land he claims, until such times as he could perfect his title to the same according to the forms required. I gave that copy to S. J. Hensley *and* about the 20th of April, A. D. 1845.

The map which is attached to the original paper marked J. W., No. 2, is an original, of which a copy is attached to Exhibit A in this cause.

I was military commander of the northern frontier, and exercised civil jurisdiction in all the northwestern portion of the Territory of Upper California in the years 1844 and 1845.

I know the rancho Aguas Nieves claimed by Sam'l J. Hensley, and the same was within my jurisdiction.

It is on Butte creek, in the Sacramento valley, about one hundred miles north of Sutter fort.

Mr. Hensley applied to me in the spring of 1845, to be put in juridicial possession of the rancho Aguas Nieves; I did not give him juridicial possession of the same, as he requested, for the reasons that I was engaged in a military campaign with Gov'r Micheltorena, from Jan. 7th, 1845, to the 1st of April, 1845; immediately on my return from the said campaign I had to go out again on an Indian campaign.

Soon after my return from the said Indian campaign, Col. Fremont came with his party into that section of the Territory, and a general revolution followed throughout California. I soon ceased to exercise either military command or civil jurisdiction. For these reasons I could not comply with his request.

Upon examination of the witness by G. W. Cooley, esq., law agent of the U. S., the witness says that his civil jurisdiction ex-

tended from the San Joaquin northward over the whole Sacramento valley.

J. A. SUTTER.

The law agent, G. W. Cooley, esq., objects generally to the foregoing depo. as incompetent, and reserving generally all legal objections.

May 13th, 1852.

Subscribed and sworn to before me.

JAMES WILSON, *Com'r.*

I, George Fisher, secretary to the U. S. land commissioners to ascertain and settle the private land claims in the State of California, hereby certify that the foregoing is a true and correct copy of a document in case No. 201, wherein Sam'l J. Hensley claims the place called Aguas Frias, now on file in this office.

In testimony whereof, I have hereunto signed my name, office of the secretary of the above named commission, San Francisco, this 6th day of March, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office March 13th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

B.

Esped'te.—Claude Chana—Rancho de Nemeshas.

Sello Cuarto—Dos Reales.

Habilitado provisionalm'te por la aduana maritima del puerto de Monterrey, en el departamento de las Californias, parer los años de mil ochocientos cuarenta, y cuatro, y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

MICHELTORENA.

[L. S.] Ex'mo Señor Gobernador:

Teodoro Sicard, nativo de Francia y Mejicano de naturalizacion, ante V. E. con el mas profundo respecto se presente y espone; que habiendo ad querido algunos *algunos* bienes del campo, y deseando dedicarse a la agricultura ha registrado un terreno valdio, situado en los margines del arroyo de los Osos ò Tancas, y conocido con el nombre de Nemshas cuyos linderos son al N. al arroyo de los Osos; al E. la Sierra Nevada, al S. tierra baldio, y al P'e terreno del Señor Sutter, qe. consta de cuatro sitios de ganado mayor como manifiesta el diseño qe. debidamente acompaña.

P. T. a V. E. viego se digne concedese d'ho terreno en lo qe. recibra merced.

Nueva Helvecia, Julio 6, de 1844.

Quedo de V. E. el mas attento serv'r.

PDO. THEODORO SOLARE.

MONTEREY, *Julio* 25, *de* 1844.

Inf'o el S. S'rio del despacho, tomando antes otros se lo cre ese necessario. MICHELT'A.

Ex'mo S'or Gobernado:

A muchas solicitudes de la naturaleza como la precedente, se les ha puesto la providencia de esperarse hasta que V. E. pueda hacer la visita por los rios del Sacram'to, y San Joaquin y como tambien no hay un diseño general de aquellos terrenos no se podran hacer tal vez con hacierta las concessiones que se pretenden por lo que si à V. E. lo tuviese à bien podra quedar pend'te este esped'te, hasta que no se despachen las solicitudes à que me refiere.

Monterey, Julio 26, de 1844. MAN'L JIMENO.

MONTEREY, *Julio* 26, *de* 1844.

Ocupe lo provisionalm'te hasta su subida despacho.

MICHELT'A.

S'r Juez, y encargado de la jurisdiccion de Sacram'to:

Pedro Teodoro Sicard, Mejicano p'r naturalizacion, à V. suplico se sirva informar si el terreno qe. manifieste el adjunto diseño es valdio con todo lo demas q. V. crea necessario. Que teniendo que pasar à la capital a llevar mi particion à manos del E. S. gobernador para impetrar de S. E. d'ho terreno, y siendo preciso el informe de V. como juez de jurisdiccion à qe. pertenece p'a obviar la demoro que sufreria mis instancias en el transito de informe si tuviese se qe. venir desde Monterey hasta aqui p'a el y regresar à aquella capital p'a el decreto definitivo del S. E. a V. suplico se informar al margen de esto solicitud lo qe. crea de justicia, dispensando el uso de papel comun p'a falta del sellado.

Nueva Helvetia, a 1o de Julio, de 1844.

Quedo de V. el mas attento servidor.

PDO. TEODORO SICARD.

El terreno que se solicita en este pedimento es baldia, y no pertenece à persona, pueblo ò corporacion y p'a los fines que convengan doy este informe.

Nueva Helvitia, à 1o de Julio, de 1844.

T. A. SUTTER.

[*For map see original, page* 18.]

Exped'te B Continued.

Manuel Micheltorena, G'ral de Brigada del Ejercito Mejicano, Ayudante G'ral de la Plana Mayor del mismo, Gobernador, Comandante G'ral é Ynspector del Departamento de Californias.

No pudiendo ahora por estar sumamente ocupado este gobierno supremo departamental, estender uno por uno los titulos respectivos

à todos los cuidadanos q. han solicitado terrenos con informes à su favor del S'or D. Augusto Sutter, capitan y juez encargado de la jurisdiccion de Nueva Helvetia, y Sacramento à nombre de la nacion Mejicana les confiero por estas letras la propiedad de ellos y sus familias de los respectivos terrenos marcados en sus instancias y diseños à todos y à cada uno de los q. hayan solicitado y obtenido informe favorable del espresado S'or Sutter; hasta hoy dia de la f'ha sin q. nadie puede disfrutarles su propiedad, sirviendoles una copia de este que les darà, mas adelante el S'or Sutter de titulo formal con el q. se presentaran à este gobierno para estenderles el mismo titulo en la devida forma y papel sellado correspondiente; y para la devida constancia en todos tiempos doy este documento q. serà reconocido y acatado por todas las authoridades civiles y militares de la nacion Mejicana en este y en los demas departamentos autorizado debiam'te con los sellos militar y gobierno en Monterey à veinte y dos de Diciembre de mil ochocientos y cuarenta y cuatro.

(Sig'd) MAN'L MICHELTORENA.

Certifico que es copia.
Nueva Helvetia, Mayo 20, de 1846.

J. A. SUTTER.

Filed in office April 21st, 1852.

GEO. FISHER, *Sec'y.*

C.

Translation.

Fourth Seal—Two Reals.

Provisionally authorized by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years 1844 and 1845.

PABLO DE LA GUERRA.

MICHELTORENA.

[L. S.] Most Excellent Señor Governor:

Theodore Sicard, native of France, and Mexican by naturalization, presents himself before your exc'y with the most profound respect, and says: That, having acquired some rural property, and desiring to dedicate myself to agriculture, I have solicited (registrado) a tract of vacant land, situated on the margin of Bear creek, or Tancas, and known by the name of Namshas, the boundaries of which are, on the north, Bear creek; on the east, the Sierra Nevada; on the south, vacant lands; and on the west, the land Señor Sutter; and consists of four square leagues, (sitios de ganado mayor,) as the map, which duly accompanies this, represents.

à todos los cuidadanos q. han solicitado terrenos con informes à su favor del S'or D. Augusto Sutter, capitan y juez encargado de la jurisdiccion de Nueva Helvetia, y Sacramento à nombre de la nacion Mejicana les confiero por estas letras la propiedad de ellos y sus familias de los respectivos terrenos marcados en sus instancias y diseños à todos y à cada uno de los q. hayan solicitado y obtenido informe favorable del espresado S'or Sutter; hasta hoy dia de la f'ha sin q. nadie puede disfrutarles su propiedad, sirviendoles una copia de este que les darà, mas adelante el S'or Sutter de titulo formal con el q. se presentaran à este gobierno para estenderles el mismo titulo en la devida forma y papel sellado correspondiente; y para la devida constancia en todos tiempos doy este documento q. serà reconocido y acatado por todas las authoridades civiles y militares de la nacion Mejicana en este y en los demas departamentos autorizado debiam'te con los sellos militar y gobierno en Monterey à veinte y dos de Diciembre de mil ochocientos y cuarenta y cuatro.

(Sig'd) MAN'L MICHELTORENA.

Certifico que es copia.
Nueva Helvetia, Mayo 20, de 1846.

J. A. SUTTER.

Filed in office April 21st, 1852.

GEO. FISHER, *Sec'y.*

C.

Translation.

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PABLO DE LA GUERRA.

MICHELTORENA.

[L. S.] Most Excellent Señor Governor:

Theodore Sicard, native of France, and Mexican by naturalization, presents himself before your exc'y with the most profound respect, and says: That, having acquired some rural property, and desiring to dedicate myself to agriculture, I have solicited (registrado) a tract of vacant land, situated on the margin of Bear creek, or Tancas, and known by the name of Namshas, the boundaries of which are, on the north, Bear creek; on the east, the Sierra Nevada; on the south, vacant lands; and on the west, the land Señor Sutter; and consists of four square leagues, (sitios de ganado mayor,) as the map, which duly accompanies this, represents.

Wherefore, I pray your excellency to deign to concede me said land, by which I will receive favor.

New Helvetia, July 6, 1844.

I remain your exc's most respectful serv't,

P. THEODORE SICARD.

MONTEREY, *July 25th*, 1844.

Let the señor sec. of State report on this petition, taking previously such information as he may deem necessary.

MICHELT'A.

SEÑOR GOVERNOR:

To many petitions of a like nature with the preceding has been placed the necessity of waiting until your exc'y can make the visit up the river Sacramento and San Joaquin; and as also there is no general map of those lands, the concessions which are sought cannot be made perhaps with effect; and if your exc'y deem proper, this expediente may remain as it is until the petitions to which I refer shall have been despatched.

Monterey, July 26, 1845. MAN'L JIMENO.

MONTEREY, *July* 26, 1844.

Let him occupy it provisionally until my decision on my visit above.

MICHELT'A.

Señor Judge, charged with the jurisdiction of the Sacramento:

Pedro Theodore Sicard, Mexican by naturalization. I pray your honor to inform me if the land represented by the annexed map is vacant, with every other information your honor may think necessary.

That having to pass to the capitol to carry my petition to the hands of his exc'y the governor to obtain of his exc'y said land, and the information of your honor, as judge of the jurisdiction to which it belongs, being to obviate the delay which my application would suffer in the progress of obtaining the information, if it were necessary to come from Monterey to this place for it, and to return to the capitol for the definite decree of his exc'y:

I pray your honor to give on the margin of this petition the information which you may believe just, allowing the use of common paper for the want of sealed paper.

New Helvetia, July 1, 1844.

I remain your exc'y's most faithful servant,

PETER THEODORE SICARD.

The land which is solicited in this petition is vacant, and does not belong to any person, pueblo, or corporation, and for suitable purposes I give this information.

New Helvetia, July 1, 1844. J. A. SUTTER.

Manuel Micheltorena, Brigadier Gen. of the Mexican Army, Adjutant Gen. of the Staff of the same, Governor, Commandant Gen. and Inspector of the Department of the Californias.

This supreme departmental government not being able at this time, on account of being excessively occupied, to extend one by one the respective titles to all the citizens who have solicited lands with information in their favor of the Señor Don Augustus Sutter, captain, and judge charged with the jurisdiction of New Helvetia and Sacramento, in the name of the Mexican nation, I grant, by these letters, the ownership for them and their heirs, (familias,) of the respective lands designated in their petitions and maps. To all and to each of those who may have solicited and obtained favorable reports from the said Señor Sutter up to the day of this date, so that no one may dispute this ownership, a copy of this, which the Señor Sutter shall at some future time give them, serving them for a formal title with which they shall present themselves to this gover't, that there may be extended to them the same title in due form and on corresponding sealed paper; and for due establishment of this fact, permanency in all time, I give this document, which shall be recognised and respected by all the authorities, civil and military, of the Mexican nation, in this and the other departments, it being duly authenticated by the military seal and that of the gov't, in Monterey, on the 22d Dec'r, 1844.

(Signed) MAN'L MICHELTORENA.

I certify this to be a copy. J. H. SUTTER.

New Helvetia, 20th May, 1846.

I certify the foregoing to be a true and correct translation from the original Spanish on file in this office, in case No. 196, Claude Chana.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office April 21, 1852.

GEO. FISHER, *Sec'y.*

Translation Doc. H. Hall and J. W., proved by Sutter and Bidwell, and annexed to the depo. of latter, before Com'r Hall, in case No. 201.

Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant General of the Staff thereof, Commandant General and Inspector of the Department of the Californias.

[L. S.]

Not being able now, on account of being closely occupied this supreme departmental government, to issue one by one the [L. S. respective titles to all the citizens who have petitioned for lands with a favorable information from Señor Don Augustus Sutter, captain, and judge in charge of the jurisdiction of

New Helvetia and Sacramento, in the name of the Mexican nation, by these letters confer upon them and their families the lands described in their applications and maps. To all and to each one of them who has solicited and obtained favorable information from said Señor Sutter up to the day of this date, so that no one can dispute their title, Señor Sutter will give them a copy of this in furtherance of a formal title, with which they will present themselves to this government to issue the said title in the proper form and upon corresponding sealed paper; and in testimony whereof, in all time, I give this document, which shall be recognised and respected by all the civil and military authorities of the Mexican nation, in this and the other departments, duly authenticated with the seal of the government and the military seal in Monterey the 22d of December, 1844.

(Signed) MAN'L MICHELTORENA.

I, George Fisher, secretary to the U. S. land commission, &c., &c., do hereby certify the foregoing to be a true and correct translation of a Spanish document, in case No. 196 on the docket of this board, marked Doc. H. Hall, and J. W., proved by Sutter and Bidwell, annexed to the depo. of the latter, before Com'r Hall, in case No. 201, Sam'l J. Hensley vs. The United States.

Witness my *officially* signature, this 13th day of March, 1854.

Supplemental Petition.

To the honorable the Board for settling private land claims in California:

The petition of Thomas P. Turner and Albert Rowe, supplemental to the petition of Claude Chana filed in claim No. 196, respectfully shows, that on the 26th July, 1844, Manuel Micheltorena, governor of California, by authority of the powers in him vested, granted to Theodore Sicard a certain tract of land called Nemshas, situate in the present county of Sutter, as described by the title-papers filed in said claim in the office of the sec. of this board, hereby referred to and prayed to be taken as part of this petition.

That on the 14th June, 1847, said Sicard sold and conveyed to Joseph Black a certain portion of said tract of land, as more particularly set forth in the deed of conveyance which is herewith submitted, marked "B."

That on the 26th day of May, 1848, said Black sold and conveyed to Francisco and Nicolas Lepage said portion of said tract of land, more particularly shown in the deed of conveyance which is herewith submitted, marked "C."

That on the 12th September, 1849, said Francisco and Nicolas sold and conveyed to Augustine Chatelle said portion of land, as set forth in the deed of conveyance herewith submitted, marked "D."

That on the 2d July, 1 52, said Chatelle sold and conveyed said portion of land to Charles H. Hoyt, said portion as set forth in the deed of conveyance herewith submitted, marked "E."

That on the 2d July, 1852, said Hoyt sold and conveyed to John Turner the one undivided half of said portion, as set forth in the deed of conveyance herewith submitted, marked "F."

That on the 22d October, said Turner sold and conveyed to Thomas P. Turner, one of your petitioners, his said undivided interest in said portion of land, as set forth in the deed of conveyance herewith submitted and marked "G."

Your petitioners further show, that on the 3d Sept., 1852, said Hoyt sold and conveyed the remaining undivided half of said portion to Henry E. Robinson, as set forth in the deed of conveyance herewith submitted, marked "H."

That on the 27th January, 1853, said Robinson sold and conveyed to Albert Rowe, the other of your petitioners, his interest, as set forth in the deed of conveyance herewith submitted, marked "I."

Your petitioners further show, that said portion of land comprises the quantity of land contained in one mile in length by three Mexican leagues in length.

That the said tract of land has been in the quiet, undisputed possession of your petitioners, and those under whom they hold, since the date of the grant.

That they rely, for confirmation of said claim, on the original title-papers above referred to, and upon the evidence taken in claim No. 196, in which this is prayed to be admitted as a supplemental petition.

Wherefore they pray confirmation of their claim to said land.

ROSE, *for Claimants.*

Filed in office March 2d, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Supplemental Petition.

To the hon. the Board of Commissioners for settling private land claims in California:

The petition of William Martin, supplemental to the petition of Claude Chana in claim No. 196 in the office of the secretary of this board, respectfully shows, that on the 26th July, 1844, Manuel Micheltorena, by authority of laws of Mexico, granted to Theodore Sicard a certain tract of land called Nemshas, situate in the present county of Yuba, with the boundaries described in the grant and accompanying map, which said original and map are filed in the claim above named, hereby referred to and prayed to be taken as part of this petition.

That on the 10th Feb'y, 1851, said Sicard sold and conveyed to

your petitioner a certain portion of said tract, more particularly described in the deed of conveyance which is herewith submitted, marked B.

That said portion of land contains one and a half square leagues.

Your petitioner further shows, that said land has been, ever since the date of the grant, and is now in the quiet and undisturbed possession of your petitioner and those under whom he holds; that he relies for confirmation of his claim upon the original title papers, and upon the testimony filed in the above mentioned claim, No. 196. Wherefore he prays confirmation of his title to said land.

ROSE, *for Claimant.*

Filed in office March 3d, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Deed from Secard to Martin.

Know all men by these presents, that I, Theodore Sicard, of Upper California, my heirs and assigns, have this day given, granted, and conveyed, and by these presents do give, grant, and convey, unto William Martin, his heirs and assigns, for and in consideration of the sum of three hundred and fifty dollars, lawful money, unto me in hand paid by the said William Martin, all that certain tract or parcel of land, containing one and a half square leagues, and situated on the southern side of the southern bank of Bear creek, Upper California, more particularly described as follows: on the north by the said Bear creek, of which it has an extension of one league and a half; on the east by a line running parallel with the eastern boundary of the land of John A. Sutter, and one league and a half east of the same; on the south by a line running parallel with Bear creek, and one league distant from the same; and on the west by the land of John A. Sutter; being the same tract or piece of land which the said Theodore Sicard, by a certain deed bearing date the twenty-sixth day of March, anno Domini 1845, granted to the said William Martin, his heirs and assigns: to have and to hold the said one and a half square leagues of land above described, as firmly and to all intents and purposes as the same is held unto me, the said Theodore Sicard, and my heirs, in virtue of a document which I hold as a general title until such times as the government shall be able to grant a proper title, on sealed paper, and in due form, unto the said William Martin.

And I, the said Theodore Sicard, for myself, my executors, administrators and assigns, do covenant, promise and agree, to and with the said William Martin, his heirs and assigns, to warrant and defend forever the said William Martin and his heirs against all and every person claiming by, through, or under me, the said Theodore Sicard, or my heirs or assigns.

In witness whereof, I, the said Theodore Sicard, have hereunto set my hand and seal, this tenth day of February, in the year of our Lord one thousand eight hundred and fifty-one (1851.)

THEODORE SICARD.

Signed and sealed in presence of—
JAMES CUSHING,
J. B. HOWARD.

STATE OF CALIFORNIA,
County of Yuba, ss.

On this tenth day of February, A. D. one thousand eight hundred and fifty-one, personally appeared me, James Cushing, a notary public of the county of Yuba, Theodore Sicard, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

[L. S.] Given under my hand and seal.

JAMES CUSHING,
Notary Public for the County of Yuba.

Filed in office March 3, 1853.
(Signed) GEO. FISHER, *Sec'y.*

B.—Deed from Secard to Black.

Know all men by these presents, that I, Theodore Sicard, of Bear creek, Sacramento valley, for and in consideration of the sum of fifty dollars to me in hand paid, the receipt whereof is hereby acknowledged, have this day given, granted and set over, and by these presents do give, grant and set over, unto Joseph Black, his heirs and assigns, all the right, title, and interest which I hold in and to a certain tract of land situated upon the southern bank of Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river on the east side, or into ponds and low lands contiguous thereto, and beginning at the mouth of a certain slough, about two hundred yards above the place known as the old crossing; and thence, extending downwards, is bounded as follows: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which shall be run from the mouth of the above mentioned slough in a southerly direction, for the distance of one Mexican league, or the whole width of my claim of land as granted by the Mexican government; on the south by a line which limits my claim of land, as above referred to, on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction, parallel with the eastern boundary, until it reach Bear creek:

To have and to hold all my right, title, and interest in and to the said tract of land, unto the said Joseph Black, his heirs and assigns, to the only proper use and behoof of the said Joseph Black,

his heirs and assigns, against every and all person or persons whomsoever, lawfully claiming, or to claim, by, from, or under him, them, or any of them, shall and will warrant and defend forever, by these presents.

In witness whereof, I hereunto set my hand and seal, at New Helvetia, on this fourteenth day of June, in the year of our Lord one thousand eight hundred and forty-seven.

THEODORE SICARD. [L. S.]

Signed, sealed, and delivered in the presence of us—

Signed, sealed, and delivered in my presence, this fourteenth day of June, A. D. 1847.

JOHN SINCLAIR, [L. S.]
Magistrate, Sacramento District.

STATE OF CALIFORNIA,
County of Yuba, Town of Marysville, ss.

On this twenty-ninth day of April, A. D. one thousand eight hundred and fifty, personally appeared before me, Theodore Sicard, known to me to be the person described in and who executed the foregoing conveyance, and acknowledged before me that he executed the same as his free act and deed for the purposes therein mentioned.

STEPHEN J. FIELD,
First Alcalde of Marysville and Justice of the Peace.

Filed in office March 3d, 1853.
(Signed) GEO. FISHER, *Sec'y.*

C.—*Deed from Black to Lepage.*

This indenture, made and entered into on the twenty-sixth day of May, A. D. eighteen hundred and forty-eight, by and between Joseph Black, of the Pueblo de San José de Gde, in Upper California, of the one part, and Francisco Lepage and Nicolas Lepage, of the same place, of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of five hundred dollars to him in hand paid by the said party of the second part, receipt whereof is hereby fully confessed and acknowledged, hath bargained, sold, and conveyed, and by these presents doth grant, bargain, sell, and convey unto the said party of the second part, and unto their heirs and assigns forever, all his right, title, interest, and claim, in and to a tract of land lying and being in the Sacramento valley, being situated upon the southern bank of Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river on the east side, or into ponds and low lands contiguous thereto, and beginning at the mouth of a certain slough, about two hundred yards above the place known as the old crossing, and thence extending

downwards, is bounded as follows, viz: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which shall be run from the mouth of the above mentioned slough in a southerly direction for the distance of one Mexican league, or the width of a claim of *lou* of land which is held by Theodore Sicard, and from which the said party of the first part derived this right by purchase, as will be seen by the accompanying deed from the mentioned Theodore Sicard; on the south by a line which limits the claim of said Theodore Sicard above referred to, and on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction parallel with the eastern boundary until it reaches Bear creek:

To have and to hold the same, with all the rights and privileges thereunto belonging, to them, the aforesaid party of the second part, and to their heirs and assigns forever.

In testimony whereof, I have hereunto set my hand and seal, bearing evidence to the signature of the said Joseph Black, who signs with me and attesting witnesses, day and year first above written.

JOSEPH BLACK.
CHARLES WHITE,
1*st Alcalde, Pueblo de San Jose.*

A. CHATELLE.

STATE OF CALIFORNIA, *County of Yuba, ss.*

On this twenty-ninth day of April, A. D. one thousand eight hundred and fifty, personally came before me, Augustin Chatelle, known to me, who being duly sworn, did depose and say, that he *resolved* at Pueblo de San José, that he knew Joseph Black, the person described in and who executed the foregoing conveyance; that he saw said Joseph Black sign and execute the foregoing conveyance, and deliver the same after the execution thereof to Francisco Lepage and Nicolas Lepage, the grantees named in said conveyance, and that at the same time that the said Joseph Black executed the said conveyance, he acknowledged the same as his free act and deed for the purposes therein mentioned, and that thereupon he, the said Chatelle, at the request of said Black, subscribed his name as a witness thereto.

STEPHEN J. FIELD, [L. S.]
1*st Alcalde of Marysville and Justice of the Peace.*

Filed in office March 3d, 1853.
(Signed) GEO. FISHER, *Sec'y.*

D.—*Deed from Lepage et al. to Chatelle.*

This indenture, made and entered on the twelfth day of September, A. D. eighteen hundred and forty-nine, by and between Fran-

cisco Lepage and Nicolas Lepage, of the pueblo de San José de G'pe, in Upper California, of the one part, and Augustin Chatelle, of the same place, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of fourteen hundred dollars, to them in hand paid by the said party of the second part, receipt whereof is hereby fully confessed and acknowledged, have bargained, sold, and conveyed, and by these presents do bargain, sell, and convey unto the said party of the second part, and to his heirs and assigns forever, all their right, title, interest, and claim in and to a tract of land lying and being in the Sacramento valley, being situated upon the southern bank of Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river on the east side, or into ponds and low lands contiguous thereto, and beginning at the mouth of a certain slough, about two hundred yards above the place known as the Old Crossing, and thence extending downwards, is bounded as follows, viz: on the north Bear creek, on which it has an extension of one mile; on the east by a line which shall run from the mouth of the above mentioned slough in a southerly direction, for the distance of one Mexican league, or the width of a claim *of lane* of land which is held by Theodore Sicard, and from which the said party of the first part derived their right by purchase, as will be seen by the accompanying deed from the mentioned Joseph Black; on the south by a line which limits the claim of the said Theodore Sicard above referred to, and on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction, parallel with the eastern boundary, until it reach Bear creek: to have and to hold the same, with all the rights and privileges thereunto belonging, to him, the aforesaid party of the second part, and to his heirs and assigns forever.

In witness whereof, I have hereunto set my hand and seal, bearing evidence to the signature of the said Francisco Lepage and the said Nicolas Lepage, who signs with me and assisting witnesses, day and year first above written.

FRANCIS LEPAGE. [L. S.]
NICOLAS LEPAGE. [L. S.]

Attest:
H. LAWER.

Filed in office March 3d, 1853.
(Signed) GEO. FISHER, *Sec'y.*

E.—*Deed from Chatelle to Hoyt.*

Know all men by *the* presents, that I, Augustus Chatelle, of the city of San José, county of Santa Clara and State of California, for and in consideration of the sum of two thousand dollars, to me in hand paid by Charles H. Hoyt, of the county of Yuba and State of

California, the receipt of which is hereby acknowledged and confessed, have granted, bargained, sold, and conveyed, and by these presents do hereby grant, bargain, sell, and convey unto the said Charles H. Hoyt, and unto his heirs and assigns forever, all my right, title, interest, and demand in and to a certain piece or tract of land, being in the Sacramento valley and in the county of Sutter, in said State of California, and described as follows: being situated upon the southern bank of Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river on the east side, or into ponds and low lands contiguous thereto, and beginning at the mouth of a certain slough, about two hundred yards above the place known as the Old Crossing, and then extending downwards, is bounded as follows, viz: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which shall run from the mouth of the above mentioned slough in a southerly direction, for the distance of one Mexican league, or the width of a claim of land which was held by Theodore Sicard; on the south by a line which limits the claim of the said Theodore Sicard above referred to, and on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction, parallel with the eastern boundary, until it reaches Bear creek; being the same tract or portion of land conveyed to me by deed from Francisco and Nicolas Lepage, dated the 12th day of September, A. D. 1849, and recorded at Marysville, in liber 1 of deeds, pages 151 and 152, on the 29th day of April, 1850: to have and to hold the same, together with all and singular the rights, privileges, tenements, and appurtenances thereunto belonging or in anywise appertaining, unto him, the said Charles H. Hoyt, his heirs and assigns forever, free from the claim or claims of all and every person or persons claiming the same, by, through, or under me.

In testimony whereof, I, the said Augustine Chatelle, have hereunto set my hand and seal, this the second day of July, A. D. 1852.

A. CHATELLE. [L. S.]

STATE OF CALIFORNIA,
County of Santa Clara, ss.

On this second day of July, A. D. 1852, personally came before me, a notary public in and for the said county, Augustin Chatelle, known to me to be the person described in and who executed the foregoing instrument as a party thereto, and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

Witness my hand and private seal, having no notarial
[L. S.] seal provided, this day and date above mentioned.

J. O. MINOR, *Notary Public.*

Filed in office March 3, 1853.
(Signed) GEO. FISHER, *Sec'y.*

F.—Deed from Hoyt to Turner.

Know all men by these presents, that I, Charles H. Hoyt, of the county of Yuba and State of California, for and in consideration of the sum of one thousand two hundred and fifty dollars to me in hand paid by John Turner, of the county of Sacramento and State of California, the receipt whereof is hereby acknowledged and confessed, have granted, bargained, and sold and conveyed, and by these presents do grant, bargain, sell, and convey unto the said John Turner, and unto his heirs and assigns forever, all of my right, title, and interest, and demand in and to one undivided half of all that certain tract, piece, or parcel of land lying, being, and situate in the Sacramento valley and county of Sutter, in said State of California, and bounded and described as follows:

"Being situated upon the southern bank of Bear creek, which flows the Sierra Nevada in a westerly direction and empties into Feather river, or into ponds and low lands contiguous thereto, and beginning at the mouth of a certain slough, about two hundred yards above the place known as the Old Crossing, and then extending downwards, is bounded as follows on the north by Bear creek, on which it has an extension of one mile; on the east by a line which shall run from the mouth of the above mentioned slough, in a southerly direction for the distance of one Mexican league, or the width of a claim of land which was held by Theodore Sicard; on the south by a line which limits the claim of said Theodore Sicard above referred to, and on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction parallel with the eastern boundary, until it reaches Bear creek:"

Being the undivided one-half part of the same tract of land conveyed to me by deed from Augustine Chatelle, dated this second day of July, A. D. 1852: to have and to hold the same, together with all and singular the rights, privileges, tenements, and appurtenances thereto belonging, or in any way appertaining, unto him the said John Turner, his heirs and assigns forever, free from the claim or claims of all and every person or persons claiming the same, by, through, or under me.

In testimony whereof, I, the said Charles H. Hoyt, have hereunto set my hand and seal this the second day of July, A. D. 1852.

CHAS. H. HOYT. [L. S.]

Signed, sealed and delivered in presence of—

JAMES M. MAXEY.

STATE OF CALIFORNIA,
County of Santa Clara, ss.

On the second day of July, A. D. 1852, personally appeared before me, a notary public in and for said county, Chas. H. Hoyt, satisfactorily proved to me to be the person described in, and who

executed the foregoing conveyance, by the oath of Jas. M. Maxey, a competent and credible witness for that purpose by me duly sworn, and he the said Chas. H. Hoyt acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and affixed my official seal at office in the city of San José, on the 2d day of July, A. D. 1852. [L. S.]

WILLIAM L. SMITH,
Notary Public.

Filed in office March 3d, 1853.
(Signed) GEO. FISHER, *Sec'y.*

G.—*Deed from Turner to Turner.*

Know all men by these presents, that I, John Turner, of the county of Sacramento, and State of California, for and in consideration of the sum of one thousand five hundred dollars, to me in hand paid by Thomas P. Turner, of the county of Sacramento, and State of California, the receipt whereof is hereby acknowledged and confessed, have granted, bargained, and sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said Thomas P. Turner, and unto his *his* heirs and assigns forever, all my right, title and interest, and demand, in and to one undivided half of all that certain tract, piece, or parcel of land lying and being in the Sacramento valley, and county of Sutter, in said State of California, and bounded and described as follows: being situated upon the southern bank of Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river, on the east side, or into ponds and low lands contiguous thereto, and beginning at the mouth of a certain slough about two hundred yards above the place known as the Old Crossing, and then extending downwards, is bounded as follows: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which shall run from the mouth of the above mentioned slough in a southerly direction for the distance of one Mexican league, or the width of a claim of land which was held by Theodore Sicard; on the south by a line which limits the claim of said Sicard above referred to, and on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction, parallel with the eastern boundary, until it reaches Bear creek; being the undivided one-half part of the same tract of land conveyed to me by deed from Chas. H. Hoyt, dated the second day of July, A. D. 1852: to have and to hold the same, together with and singular the rights, privileges, tenements, and appurtenances thereto belonging, or in anywise appertaining, unto him the said Thomas P. Turner, his heirs and assigns forever, free from the claim or claims of

all and every person or persons claiming the same, by, through, or under me.

In testimony whereof, I, the said John Turner, have hereunto set my hand and seal this the twenty-second day of October, A. D. 1852.

JOHN TURNER. [L. S.]

Signed, sealed and delivered in presence of—
CHAS. SACKETT.

STATE OF CALIFORNIA,
Sacramento County, ss.

On this 22d day of October, A. D. 1852, before me, Chas. Sackett, a notary public, came John Turner, to me known as the person described in , and who acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal.
[L. S.]

CHAS. SACKETT,
Notary Public.

Filed in office March 3d, 1853.
(Signed) GEO. FISHER, *Sec'y.*

H.—*Deed from Hoyt to Robinson.*

This indenture, made and entered into this third day of September, in the year of our Lord one thousand eight hundred and fifty-two, between Charles H. Hoyt, of the county of Yuba and State of California, of the first part, and Henry E. Robinson, of Sacramento city, of the second, witnesseth: That the said party of the first part, for and in consideration of the sum of three thousand dollars, to him in hand paid by the said party of the second part, before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged by the said party of the first part, hath bargained, sold, and conveyed, and by these presents doth hereby bargain, sell, and convey unto the said party of the second part, all the right, title, interest, estate, claim and demand of him, the said party of the first part, of, in, and to the undivided one-half portion or moiety of all that certain tract or parcel of land lying and being in the county of Sutter and State of California, and bounded and meted as follows: being situated on the southern bank of Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river, and beginning at the mouth of a certain slough, about two hundred yards above the place known as the "Old Crossing," and then extending lownwards, is bounded as follows: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which shall

run from the mouth of the above mentioned slough, in a southerly direction, for the distance of one Mexican league, or the width of a claim of land which was held by Theodore Sicard; on the south by a line which limits the claim of said Theodore Sicard above referred to, and on which it has an extension of one mile; and on the west by a line which shall be run in a northerly direction, parallel with the eastern boundary, until it reaches Bear creek—it being the undivided one-half portion or moiety of the same tract of land conveyed to the said party of the first part by deed from Augustus Chatelle, dated July second, A. D. 1852: to have and to hold the same unto the said Henry E. Robinson, his heirs and assigns, to his and their sole and proper use and behoof forever.

And the said party of the first part, for himself, his heirs, executors and administrators, the said before described half portion of said tract of land, with all the appurtenances thereunto belonging or in anywise appertaining, unto the said party of the second part, his heirs and assigns, against the claims of any and all persons whatsoever claiming or to claim from, by, through, or under him, the said party of the first part, his heirs, executors or administrators, will warrant and forever defend by these presents.

In testimony whereof, the said party of the first part hath hereunto set his hand and affixed his seal, the day and year first above written.

CHAS. H. HOYT. [L. S.]

In presence of—
J. S. READON.

STATE OF CALIFORNIA,
County of Sutter, ss.

Personally appeared before me, this 3d day of September, A. D. 1852, the above named Chas. H. Hoyt, known to me to be the person described in and who executed the foregoing instrument of writing, and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

Witness my hand and private seal, (no official seal having been provided,) the day and year last above written.

[L. S.]

SAM'L B. SMITH,
Notary Public for Sutter county.

Filed in office March 3d, 1853.
(Signed) GEO. FISHER, *Sec'y.*

I.—*Deed from Robinson to Rowe.*

This indenture, made and entered into this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and fifty-three, by and between Henry E. Robinson, of the city and county of Sacramento and State of California, of the one part, and

Albert Rowe, of the same place, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of one thousand dollars, lawful money of the United States, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, and by these presents doth hereby grant, bargain and sell, unto the said party of the second part, all the right, title, interest, claim, estate or demand of him, the said party of the first part, of, in, or to the undivided one-half portion or moiety of all that certain tract or parcel of land lying and being in the county of Sutter, in said State, and bounded and described as follows: being situated on the southern bank Bear creek, which flows from the Sierra Nevada in a westerly direction, and empties into Feather river, and beginning at the mouth of a certain slough, supposed to be about two hundred yards above the place known as the Old Crossing; and thence, extending downwards, is bounded as follows: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which may be run from the mouth of the above mentioned slough in a southerly direction, for the distance of one Mexican league, or the width of a claim of land which was formerly held by Theodore Sicard, and on which it has an extension of one mile; and on the west by a line which may be run in a northerly direction, parallel with the eastern boundary, until it reach Bear creek; it being the same tract of land conveyed to the said party of the first part, by deed from C. H. Hoyt, dated the third day of September, A. D. 1852, and recorded at Nicolas, in book "C" of deeds, pages 228, 229 and 230: to have and to hold the same to the said party of the second part, and to heirs and assigns, forever.

In witness whereof, the said party of the first part hath hereunto set his hand and seal, the day and year above written.

HENRY E. ROBINSON.

Signed, sealed, and delivered in presence of—

STATE OF CALIFORNIA,
County of San Francisco, ss.

On this twenty-seventh day of January, A. D. 1853, before me personally appeared Henry E. Robinson, to me well known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal, in the city of San Francisco, the day and year first above written. [L. S.]

L. W. SLOAT, *Notary Public.*

Filed in office.

(Signed)

Deed from Sicard to Chana.

This indenture, made the first day of June, in the year one thousand eight hundred and forty-nine, between Theodore Sicard, party of the first part, and Claude Chana, party of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of six thousand dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land situated on the southern bank of Bear creek, in Sacramento valley, Upper California, and bounded and described as follows: on the north by said Bear creek, which creek flows from the Sierra Nevada and empties into Feather river; on the east by the Sierra Nevada; on the south by a line running parallel with the said Bear creek, and distant in every part three miles from said creek; on the west by the land of Joseph Vero—the parcel of land hereby conveyed being in all parts three miles in width and two leagues in length, the same being part of the land granted to said Theodore Sicard by Manuel Micheltorena, governor of California; and *and* the whole of the land thus granted to Theodore Sicard, except that portion which was conveyed by him to Joseph Black, by deed bearing date the fourteenth day of June, one thousand eight hundred and forty-seven; and except also, that portion which has been this day conveyed by said Sicard to Joseph Vero, above mentioned; together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in, or to the above described premises and every part and parcel thereof, with the appurtenances: to have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and his heirs and assigns forever.

And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns, against the said party of the first part, and his heirs and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

In witness whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

THEODORE SICARD. [L. S.]

Signed, sealed and delivered in presence of—words "Upper California" interlined before execution; words "forty-nine" written over and erased before execution—

WM. K. SHERWOOD,
GEORGE C. GORHAM.

STATE OF CALIFORNIA,
County of Yuba, Town of Marysville, ss.

On this twenty-ninth day of April, A. D. one thousand eight hundred and fifty, personally appeared before me Theodore Sicard, known to me to be the person described in and who executed the foregoing conveyance, and acknowledged before me that he executed the same as his free act and deed, for the purposes therein mentioned.

STEPHEN J. FIELD,
First Alcalde of Marysville, and Justice of the Peace.

Marysville, April 29th, 1850.

Filed in office April 21st, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

Claude Chana, claimant.

In this case, it is agreed between the United States law agent and the counsel for the claimant that the depositions of Capt. John A. Sutter, and the original document of general title from Gov. Micheltorena, made an exhibit to his said deposition, as also the deposition of Bidwell, taken in land case No. 201, of Samuel J. Hensley vs. The United States, be read and be considered as evidence as if retaken.

ROBERT GREENHOW,
Asst. Law Agent.

THORNTON.

Filed in office August 9th, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

UNITED STATES LAND COMMISSION.

CLAUDE CHANA
vs.
THE UNITED STATES. } No. 196.

It is hereby agreed between the United States law agent and claimant's counsel in the above case, that the map made by John Bidwell, and attached to the deposition of Thomas O. Larkin, filed in claim No. 241, together with the deposition of said Larkin, be

taken and considered as filed, and used as fully as if said deposition were retaken and filed together with said map herein.

ROSE, *for Claimant.*

LOUIS BLANDING,
Asso. Law Agent.

Filed in office Nov. 21, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jno. A. Sutter.

Case No. 201 upon the Docket.—For confirmation of the grant of Rancho Aguas Nieves.

BOARD OF COMMISSIONERS
To ascertain and settle private land claims in California.

On this 13th day of May, A. D. 1852, came before me, James Wilson, one of the said commissioners, Capt. John A. Sutter, a witness offered by Samuel J. Hensley, petitioner, and being duly sworn, gave the following testimony.

Geo. W. Cooley, law agent of the United States, was notified and did attend to the taking of the testimony of said witness.

In answer to interrogatories propounded by petitioner's counsel the deponent answered as follows:

I am acquainted with the handwriting of Gov. Micheltorena, and have seen him write very often. The paper now shown to me as an original paper, and purporting to be the certificate of the governor of naturalization of Sam'l J. Hensley, as a citizen of Mexico, is a genuine paper, and the signature of Manuel Micheltorena to said paper is his true signature. The commissioner has affixed his initials to said paper, and marked it as follows, J. W. No. 1. I have also compared said paper with document marked Exhibit "C" on the files in this case, and I find the said Exhibit C to be a true copy in the Spanish language, and the translation of the same into English to be substantially correct. I further state, that an original paper, purporting to be the original of paper marked Exhibit A in said cause, which is now shown me, is a genuine paper, and the signatures of Gov. Manuel Micheltorena, Secretary Manuel Jimeno, the signature of Sam'l J. Hensley, and my own signature, where they occur on said paper, are all genuine signatures of those several persons. The last paper attached to said Exhibit A, marked by the commissioner as follows, J. W., I have carefully examined, and state that I gave a copy of this original paper, which I had received from Gov. Micheltorena, to Sam'l J. Hensley as security for the land he claims, until such times as he could perfect his title to the same according to the forms required. I gave that copy to *J.* J. Hensley about the 20th of April *April*, A. D. 1845. The map which is attached to the original paper marked J. W. No. 2 is an original, of which a copy is attached to Exhibit A in this cause. I was

military commander of the northern frontier, and exercised civil jurisdiction in all the northeastern portion of the Territory of Upper California, in the years 1844 and 1845. I know the rancho Aguas Nieves claimed by Sam'l J. Hensley, and the same was within my jurisdiction. It is on Butte creek, in the Sacramento valley, about one hundred miles north of Sutter fort. *Mrs.* Hensley applied to me in the spring of 1845 to be put in juridical possession of the rancho Aguas Nieves. I did not give him judicial possession of the same as he requested, for the reasons that I was engaged in a military campaign with Gov. Micheltorena from January, 1845, to the 1st of April, 1845. Immediately on my return from the said campaign I had to go out again on Indian campaign; soon after my return from said Indian campaign, Col. Fremont came with his party into that section of the Territory, and a general revolution followed throughout California. I soon ceased to exercise military command or civil jurisdiction. For these reasons I could not comply with his request.

Upon examination of the witness by G. W. Cooley, esq., law agent of the United States, the witness says his civil jurisdiction extended from the San Joaquin northward over the whole Sacramento valley.

J. A. SUTTER.

The law agent, G. W. Cooley, esq., objects generally to the foregoing deposition as incompetent, and reserving generally all legal objections.

May 13th, 1853.

Subscribed and sworn to before me.

JAMES WILSON,
Commissioner.

Filed in office May 13th, 1852.

GEO. FISHER, *Sec'y.*

Recorded in Book of Evidence, vol. 1, page 514.

GEO. FISHER, *Sec'y.*

Original exhibited by Captain Sutter, and proved by me.
May 13th, 1853. J. W.

Agua Nieves.—Doc. H. Hall, pr'd by Sutter and Bidwell, annexed to the depo. of the latter before Com'r H. Hall.

In case No. 235, Exhibit 1 to depo. of Jno. A. Sutter—T. L.—Recorded in record of Evid'ce, vol. 6, pages 289 and 290.

Manuel Micheltorena, G'ral de Brigada del Ejercito Mejicano, Ayudante G'ral de la Plana Mayor del mismo, Gobernador, Comandante G'ral y Inspector del Departamento de Californias.

[L. S.]

No pudiendo ahora por estar sumamente ocupado este gobierno

supremo departamental, estender uno por uno los titulos respectivos
[Gobierno del Dep'to de Californias.] ò todos los ciudadanos, que han solicitado terreno con informes à su favor del S'or D. Augusto Sutter, capitan y juez encargado de la jurisdiccion de Nueva Elvecia y Sacramento à nombre de la nacion Mejicana les confiero por estas letras la propiedad pa. ellos y sus familias de los respectivos terrenos marcados en sus instancias y diseños a todos y a cada uno de los que hallan solicitado y obtenido informe favorable del espresado. S'or Sutter h'ta hoy dia de la f'ha. Sin que nadie pueda disputarles la propiedad serviendoles una copia de este, que les darà mas adelante el S. *Soutter* de titulo formal con el que presentaran à este gobierno para estender les el mismo titulo en la debida forma y papel sellado correspondiente y para la debida constancia en todos tiempos doy este documento que será reconocido y acatado por todas las autoridades civiles y militares de la nacion Mejicana en este y en los demas departamentos autorizado debidamente con los sellos militares de gobierno en Monterey à veinte y dos de Diciembre de mil ochocientos cuarenta y cuatro.

MANUEL MICHELTORENA.

STATE OF CALIFORNIA,
Sacramento County, ss.

On this 28th day of June, A. D. 1850, I, Lewis A. Birdsall, hereby certify that John Bidwell, Samuel J. Hensley, George McKinstry, and Isaas J. Moss, severally came before me, and being duly sworn by me, and being all credible witnesses, depose and say, on oath, that they know Micheltorena, the above named grantor, and are well acquainted with his written signature, having seen him write; and they verily believe that he signed the above with his own hand.

In witness whereof, I, Lewis A. Birdsall, recorder in and for the county of Sacramento and State of California aforesaid, have set my and seal the day and year above written.

L. A. BIRDSALL,
Recorder Sac. Co., Cal'a.

Filed in office Jan'y 28th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Translation of Grant.

Manuel Micheltorena, Gen. of Brigade of the Mexican Army, Adjutant General of the Staff, Governor, Commandant General and Inspector of the Department of the Californias.

Not being now able, on account of being closely occupied this supreme departmental government, to extend one by one the respective titles to all the citizens who have petitioned for lands with a favorable information from Señor Dn. Augustus Sutter, captain,

and judge in charge of the jurisdiction of New Helvetia and Sacramento, I, in the name of the Mexican nation, by these letters confer upon them and their families the lands described in their applications and maps. To all and each one of them who has solicited and obtained favorable information from said Señor Sutter up to the day of this date, so that no one can dispute their title, Señor Sutter will give them a copy of this in furtherance of a formal title, with which they will present themselves to this government, to extend the same title in the proper form and upon corresponding sealed paper; and for the establishment of which fact, for all time, I give this document, which will be known and acknowledged by all the civil and military authorities of the Mexican nation, in this and the other departments.

Duly authenticated with seal of the government, and the military seal, in Monterey, the 22d of December, 1844.

(Signed) MICHELTORENA.

I certify the above is a true copy.

J. A. SUTTER.

New Helvetia, 184 .

Filed in office April 27th, 1852.

GEO. FISHER, *Sec'y.*

Recorded in Record of Ev., vol. 7, p. 289.

GEO. FISHER, *Sec'y.*

Deposition of Thos. O. Larkin.

Case No. 147.

OFFICE OF COMMISSIONERS OF
LAND CLAIMS IN CALIFORNIA.

This day before Robert A. Thompson came Thomas O. Larkin, a witness in behalf of claimants, Charles Covilland et al., No. 147, who, after being duly sworn, deposed as follows:

Present, W. C. Jones, esq., attorney for claimant.

Questions by Claimant's Attorney.

What is your name, age, and place of residence?

Answer. My name is Thomas O. Larkin; age fifty years; and residence San Francisco, California.

Question by same. Look at the map now shown you, marked with the letter A, and the initials "R. T.," and state all you know in relation to it.

Answer. This map was made some ten years since, and prior to the occupation of California by the Americans; it was made by John Bidwell, one of the best known surveyors at that time on the Sacramento river; it was made at my instance, and for me; it has been in my possession ever since, except when I have occasionally

loaned for short periods; Mr. Bidwell about that time made one for Governor Micheltorena, of which this is a duplicate; they were both in my hands and both in the hands of Micheltorena, and it was carefully compared and examined by Mr. Jimeno, the governor's secretary, and the certificate appearing thereon subscribed by said secretary was made by him in my presence; there is also a certificate of its being a true copy of the before-mentioned map signed by Pablo de la Guerra, at the time collector of the custom-house of California, and countersigned by José Abrego, treasurer of the department of California, now on said map, which was also made and signed by them in my presence. I was at that time United States consul for California, and my object in procuring said map was to enable me to give correctinformation to the Amerans on ci the Sacramento river, who frequently applied to me in my official capacity for information in relation to lands in that region of the country, and also their business generally; with the exception of the before-mentioned certificates, the only change or alteration which has been made on said map since I received it from the hands of Mr. Bidwell is the insertion of the word "Meritt" in one place, and the words Ranche de Hartnell in another, which words were inserted by William E. P. Hartnell in my presence, but without my approbation, and before I knew what he was doing.

Do you know what has become of the original map, of which you state the same to be a duplicate?

Answer. I do not know; when I last saw it it was in a very defaced and dilapidated condition, and I do not believe it is now in existence.

United States law agent objects to all evidence in relation to this map referred to in the above deposition, for the reason that the *reason that the* said map is not certified by Mr. Jimeno until 1851, and because the original map, if procured, would not be competent testimony.

Questions by Law Agent.

When did you compare this map with the original?

Answer. I do not know; it was a good many years ago.

And further this deponent saith not.

(Signed) THOMAS O. LARKIN.

Sworn to and subscribed before me this 5th day of September, 1853.

R. AUG. THOMPSON,
Commissioner.

I, George Fisher, secretary of the board of United States commissioners to ascertain and settle the private land claims in the State of California, hereby certify the foregoing to be a true and correct copy of its original on file in this office in case number

147, Charles Covilland et al., and in my charge and custody as such secretary.

Witness my hand, this 21st September, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office Sept. 13th, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Recorded in Ev. B, vol. 3, p. 184.

(Signed) GEO. FISHER, *Sec'y.*

[*Here follows map—original, page* 69.]

Certifico que este mapa es igual à otro que se prevento al gobierno en tiempo del General Micheltorena, mando yo estaba encargado de su secretaria.

Monterey, Marzo 26, de 1851.

MAN'L JIMENO.

Nosotros los infraiscritos, por estas presentes certificamos: que el presente plano es una copia del plano que servia de use y referencia al Señor Dn. Manuel Micheltorena, gobernador del departam'to de las Californias, durante su administration de gobierno de decho departamento.

PABLO DE LA GUERRA.

(*Endorsement on the original.*)

Exhibit referred to in the deposition of R. T. Leut, in case No. 227, May 7, A. D. 1855.

Exhibited in the deposition of Sam'l Neal, in case No. 227, Feb'y 14, 1855.

No. 147.

Charles Covilland et al., rancho de Honcut.

Filed in office Sept. 6, 1853.

GEO. FISHER, *Sec'y.*

U. S. SUR. GENERAL'S OFFICE, *San Francisco, Cal.*

I certify this to be a true copy of the original map now on file in this office.

Given under my hand and official seal, at the city of San Francisco, this nineteenth day of October, 1857.

U. S. Sur. Gen'l, Cal.

Opinion of the Board.

CLAUDE CHANA et al.
vs.
THE UNITED STATES.

For the place called Nemshas, in Yuba county, containing four square leagues of land.

The petition in this case was filed originally by Claude Chana, alone, for an undivided half of the land described in his petition; and subsequently the attorney in the case filed two supplemental petitions, one in behalf of Thomas Turner and Albert Rowe, and the other in favor of William Martin, claiming distinct portions of said premises.

These petitions were all presented before the time for filing claims under the act of March 3d, 1851, expired.

The case must be regarded as a petition filed by all the claimants above named jointly, yet setting out and seeking confirmation according to their respective interests in the premises.

All these petitioners claim title derived through mesne conveyances from Theodore Sicard, to whom they allege a grant was made by the departmental government of California.

The documentary evidence offered in support of Sicard's title consists of an expediente, proved to be original and genuine, which comprises—

First. An application by said Sicard to John A. Sutter, judge, charged with the jurisdiction of the Sacramento, asking whether the land represented on the map presented therewith was vacant, with such other information as might aid him in obtaining a grant of the land, dated July 1st, 1844.

Second. A marginal note, signed by said Sutter, declaring said land to be vacant, and not belonging to any person, pueblo or corporation, bearing the same date as the above.

Third. Sicard's petition to the governor for a grant of the land, dated July 6th, 1844.

Fourth. A marginal decree by the governor, dated July 25th, 1844, referring the matter to the secretary of the government for a report.

Fifth. The report of the Secretary Jimeno, dated July 26th, 1844, as follows:

SEÑOR GOVERNOR: To many petitions, of a like nature as the preceding, has been placed the necessity of waiting until your excellency could make the visit up to the rivers Sacramento and San Joaquin; and also as there is no general map of those lands, the concessions which are sought cannot be made perhaps with effect; but if your excellency deem proper, this espediente may remain as it is until the petitions to which I refer shall have been despatched.

Monterey, July 26th, 1844.

MAN'L JIMENO.

Sixth. The following decree of the governor: "Let him occupy it provisionally until my decision on my visit above."

MICHELT'A.

This is followed by a certified copy of a decree issued by Governor Micheltorena, attested by John A. Sutter, in these words:

Manuel Micheltorena, Brigadier General of the Mexican army, Adjutant General of the staff of the same, Governor, Commandant General and Inspector of the Department of the Californias.

This superior departmental government not being able at this time, on account of being excessively occupied, to extend one by one the respective titles to all the citizens who have solicited lands with informations in their favor by Señor Don Augustus Sutter, captain, and judge charged with the jurisdiction of New Helvetia and Sacramento, in the name of the Mexican nation I grant, by these letters, the ownership for them and their families of the respective lands designated in their petitions and maps, (diseños.) To all and to each one of those who may have solicited and obtained favorable reports from the said Señor Sutter up to the day of this date, so that no one may dispute their ownership, a copy of this which the Señor Sutter shall at some future time give them for a formal title, with which they shall present themselves to this government, that there may be extended to them the same title in due form and on corresponding sealed paper; and for due establishment of this fact for all time, I give this document, which shall be recognised and respected by all the authorities, civil and military, of the Mexican nation, in this and the other departments, it being duly authenticated by the military seal and that of the government, in Monterey, on the twenty-second of December, 1844.

MAN'L MICHELTORENA.

I certify this to be a copy.
New Helvetia, 20th May, 1846.

J. A. SUTTER.

The documents filed in this case disclose the facts, also well known in the history of the country, that during the administration of Governor Micheltorena, applications began to be made for grants of land in the upper valley of the Sacramento river, though the geography of the country was but imperfectly known; that the governor designed making a visit into that region and selecting sites of ground for certain national purposes; that the several applications for grants were consequently declined, the governor merely allowing the petitioners to occupy the land until the visit should be made, and reserving entirely to own discretion his future action on the prayer of their petitions; that while these applications remained in this position, an insurrection broke out against his government; the settlers in Sacramento valley, with General Sutter in command, were solicited to aid the government in resisting the adverse forces, and that finally Micheltorena was compelled to abandon the country; his departure took place in March, 1845. In

December previous, and at a time when his power, as the civil and military head of the department, was the document in favor of those whose applications for grants had been presented to him, the case now under consideration, is one of a class, some twelve in number, presented to this commission, in which land is claimed under documents of this character. The instrument of the 22d December, 1844, is proved to be genuine, and to have been put in duplicate into the hands of General Sutter soon after its date, and the copy annexed to the expediente filed in this case was issued to Sicard in May, 1846. From these papers I think that Sicard derived no title to the premises under the brief decree of July 26th, 1844. The applicant petitioned for a grant; the governor declined to give an answer to that petition until he should determine whether it could consistently to him, when he should visit the region where the land is located and obtain the necessary information to enable him to decide.

His decision is expressly postponed until that time, and the temporary occupancy which was permitted was clearly not to be allowed to embarrass that decision. Its terms exclude the idea of its being a full grant, or of its conveying any title, legal or equitable, as against the Mexican government.

It cannot, therefore, be the basis of a valid claim to confirmation under the act of Congress of March 3d, 1851. The rights of the claimant, if any are established in the case, must depend on the document of the 22d of December, which in the discussions before the commission has been usually denominated the general title.

In its terms, this document, we remark in the first place, is a grant—not the promise of a grant in future time, but a solemn grant in presente, in the name of the Mexican nation, and under both the civil and military seals of the government of the ownership of the property conceded.

Secondly, the grantees are described, not named; they are all those citizens who had petitioned the governor for grants and obtained in their behalf the favorable reports of Gen. Sutter.

Third, the lands granted were those which were designated in the respective petitions and maps of said grantees, which had already been presented to the governor. The document also provides for a copy of the same to be by General Sutter, who was then charged, as captain and judge, with the jurisdiction of the Sacramento portion of the department, to each of the persons entitled to the benefit of the grant.

This copy is clearly not intended to be the document by which the title was to pass to the grantee. The grant was made by the original if at all, which had the seal of the government and the signature of the governor, and not by the copy certified by General Sutter, who had no power, general or special, to make a grant.

The copy was to be, to each person interested, evidence of the grant made to him, simply because there being several persons entitled to the benefit of it, the original could not be furnished to, and made a part of the espediente of each. Each of these individuals held in his own hands the original espediente in his own case, containing his petition to the governor, the report of Sutter, that of Jimeno the secretary, and the two decrees of the governor, one requiring information, and the other postponing the application for the grant, and giving the permission to occupy temporarily.

To this the governor directed a certified copy of the general grant to be supplied as evidence of the further action of the government in his behalf, by granting his petition.

All these documents contemplated *of* further title-papers to the party. The most formal document from the hands of the governor could not be final without the approval of the departmental assembly or the supreme government of Mexico. If the original expediente had been presented for approval of the assembly or supreme government, it is clear that it was insufficient to show a grant made by the government; of course no such approval could have been given. But the addition of the copy of Micheltorena's grant of December 22d, duly certified by General Sutter, would unquestionably have been regarded as sufficient evidence of the concession by it of the ownership of the premises so occupied under the first decree. Gen'l Sutter was not at that time judge in the districts where the lands were situated; and the Spanish system, by which documents of an important, and especially of an official character, were retained in the public offices, and copies duly authenticated were issued to the parties interested with the full force and effect of originals, would have secured due regard to such copy as evidence by the Mexican authorities. It was only as such evidence that the copy to be issued by Sutter was intended. It was not the instrument which gave the title, nor the formal document proving title; the former was the grant itself, signed by the governor; and the copy was in that document declared to be the evidence upon which, in connexion with the expediente already in his hands, each party in interest might obtain his full and final title-papers, and as against the government the equitable title of an individual embraced within the class of persons designated as grantees in this general title are as well established without having obtained a copy of the document from Gen'l Sutter as with it.

With these views as to the terms and tenor of the document, we proceed to consider two objections which are to its validity as a grant. The first relates to the description of the grantees; the second to the delivery of the document. The strictest rules of the common law have never been carried so far as to pronounce a grant void in every instance where the grantee was not mentioned by name in it. It is true that grantees are usually described by their

christian and surnames; but this is not strictly necessary. Deeds have been held good where a part of the name has been omitted, or when connected with other descriptions entirely mistaken. Conveyances are good in many cases, says Chancellor Kent, when made to a grantee by a certain designation, without the mention of either the christian or surname. 4 Kent's Com., 510.

Justice Wilde, in Thomas v. Marsfield, 10 Pick. R., 367, says it is not essential to the validity of the grant that the grantee or grantees should be named; but if not named, they must be ascertained by description, so as to be distinguished from all others; and any uncertainty in this respect will render the grant void. Thus, a grant to the oldest son of A, to the wife of B, or to the heirs of C, (he being dead,) without naming any of them, is good. Shaw v. Lord, 12 Mass. R., 447; Hall v. Leonard, 1 Pick. R., 27; Davis v. Hagar, 9 Mass. R., 514.

Mr. Hilliard says on this subject, that it is enough that the party can be identified and distinguished from all others; 2 Hill., 234; and Chancellor Kent applies in such cases the rule, *id est certam quod potest reddicutum.*

In the case under investigation, the description of persons intended as grantees cannot be mistaken. They are those whose applications for grants have been presented to the governor, and whose merits and proof had already been brought to his notice, and which had received the favorable recommendation of Captain Sutter, the local judge and military commandant, upon which they were designated and identified by written evidence which could lead to neither doubt nor confusion. If the name of each person who had made the original application for a grant, with the favorable report of Gen'l Sutter, had been written in the general grant, the identity could scarcely have been more certain. Besides, this document was not intended for the final muniment of title; a copy of it, duly certified, was to be used as a part of the evidence on which the approval of the assembly or the supreme government was to be obtained, and the final document of title subsequently issued in each case. It would have been presented with the espediente already formed, and would have been attached to it, constituting but *constituting but* a part of the entire evidence of petitioner's right, and thus to made to refer directly to it; with the documents thus presented in connection, all ambiguity must necessarily cease. We think, therefore, that for every purpose of this equitable title, (and no other can be claimed,) that there is no objection on this ground to the validity of the general title.

Second. The next question is, whether the delivery of this grant to Sutter is sufficient to secure the rights of the persons intended to be benefited by it as grantees. The delivery of the grant to Gen'l Sutter was clearly designed by the governor to be for the benefit of all the persons who were to take under it. In Louisiana

and Florida the original grant was not delivered to the grantee. This was kept in the government archives, and a copy, authenticated by the proper officer, was delivered to the party as evidence of his title. The original, however, as the protocol, was never permitted, under the Spanish system, to be taken from the public archives, but the official copy had the full force of an original. It was by law a public writing, admissible everywhere as evidence without extraneous proof of its authenticity or genuineness.

United States vs. Perdmon, 7 Pet. R., 51.
Same vs. " 7 Pet. R.
Same vs. Wiggins, 14 Pet. R., 334.
Same vs. Acosta, 1 How. R., 24.
Same vs. Delikine, 15 Pet. R., 226.

In California the system of making grants was different. The original document was delivered to the grantee under the 8th article of the regulations of 1828, the final document, signed by the political chief, was to be issued to the grantee and to constitute his muniment of title, and a record of it was, by the 9th article, required to be kept in the government office in a book destined for that purpose. The practice here was in accordance with these provisions, and it obtained not only in cases of final title, after the approval of the departmental assembly, but in regard also to intended to give equitable rights in law; the proceedings to obtain a title had resulted in a perfect grant, the original document intended to secure his rights was in all such cases delivered into the hands of the party interested. Under the system in Florida the making of the grant by the governor or his decree of concession, and the delivery of the official copy thereof to the grantee, possibly the mere decree of the governor for its delivery, perfected the act of the government, and secured to the grantee the full benefit of the concession. Here the delivery of the original document to the party interested was the act which consummated his right under it; until this was done the governor might retract his contemplated concession, and, like *and* individual who had not yet made delivery of his deed, might refuse to invest the applicant with the privileges of a concession. Where land is granted directly to an individual by a legislative act, as by a law of Congress, the law executes itself, and the title passes when the law is complete; but where several acts are to be done by public functionaries, and especially where the separate action of several public officers is required, there must be some point of time in the exercise of the privileges when the right of the claimant attaches, and government is bound by its concession. And as, under the regulations of 1828, as well as by the uniform custom and practice in California, the original of the grant was itself delivered to grantee in evidence of his rights, we have regarded this delivery, like that of a deed, as fixing the time when his title under it was established.

The general principles recognised in our own jurisprudence in similar cases, although not as such, the law of these cases seem nevertheless in their spirit to be in accordance with the rules and custom on the subject in California.

Under all decisions in the common law courts, even, it has never been held that the actual placing of a deed in the hands of a grantee was necessary to constitute a valid delivery; numerous cases are reported where the deed was delivered to a third person without the knowledge of the grantee.

In these cases the rule seems to be, first, that where a deed is thus delivered to a stranger, if it afterwards comes into the possession of the grantee, he not only holds the estate granted under the deed, but that the deed takes effect by at the time of delivery to the stranger; and, secondly, that the delivery to a stranger, with the express declaration by the grantor that he delivers it as his deed, is a sufficient delivery to put it out of the power of the grantor to resume the property without the consent of the grantee, and entitles the latter to claim and hold the estate.

It is said in some of the authorities that no man can be made a grantee without his consent, while others hold that that consent is always to be presumed in a case where the land is granted to another, and no condition or burden of payment is imposed on the grantee.

But the grantees under the general title were all petitioners to the government for the land conceded to them, respectively, and the grant is simply in accordance with their prayer. This is the most complete proof of assent, if no subsequent act was shown.

The obtaining of the copy of the grant from Captain Sutter subsequently, the settlement on the land, and his prosecution of the claim before this commission, all show the grantee's continuous claim under the grant.

The grant itself also contains the express declaration that it was delivered to Capt. Sutter for the benefit of the grantees, and it was intended to be the formal act of the government, in its delivery, to invest the grantees with all the rights which its terms purported to give, and such I think was its effect.

It has been attempted, in the argument of this case, to base the authority of this document on some supposed extraordinary powers conferred by the supreme government of Mexico on Micheltorena while the latter was governor of California; but we have already seen that no such extraordinary powers were needed to sustain the validity of the grant, nor is there any reason to suppose that any such special authority was claimed by the governor or supposed by the claimants to have been exercised by him in his action in the matter. The applications of such grantees were evidently for lands under the power conferred, and with the usual conditions imposed by the colonization law of 1824, and the regulations of

1828, and the concession was intended to follow that power and those terms.

I conclude, then—

First. That the document cited and known as the general title was intended as an authority to Capt. Sutter to make a grant, but is in its terms and legal effect itself a grant in presenti made by the governor.

2d. That the grantees are all those persons who had previous to its date presented their petitions to the governor for a grant of the lands, and had obtained either on the original petition, or in answer to a decree for information, the favorable report of Capt. Sutter in reference to the same.

3d. That the lands conceded to the beneficiaries were those which were designated in their respective petitions and maps.

4th. That the delivery of said title-paper to Captain Sutter for the benefit of said grantees was a sufficient delivery of the same to give validity to the grant, and to entitle them to the benefit of it according to the terms therein expressed.

5th. That the grant was made under the terms and subject to the usual conditions of civilization grants under the law of 1824, and the regulations of 1828.

The testimony in this case is sufficient to establish the right of Sicard to the benefit of the concession as one of the grantees designated in the general title.

As to his title it remains only to inquire, first, whether the description contained in his petition to the government, and the maps accompanying it, sufficiently describe and segregate the premises granted, there having been no measurement; and, secondly, whether the condition of or cultivation imposed by the law was complied with.

As to the last, the testimony of John Bidwell shows that Sicard built a house on the land within a year after the grant was made, enclosed part of the land, sowed grain, and put stock on the place, and continued to occupy it till 1849.

The land is described in the petition to the governor as situated on the margin of Bear creek or Tancas, and known by the name of Nemshas, the boundaries of which are, on the north Bear creek; on the east the Sierra Nevada; on the south vacant lands; and on the west the land of Señor Sutter; and consists of four square leagues, as the map which duly accompanies this represents.

The map is drawn with very considerable care, delineating the location and boundaries of the lands conceded according to the description contained in the petition, and the natural objects called for therein; with the map, the scale of distances there given, and the apparently accurate delineations thereon, a survey of the land would seem to be free from difficulty.

The petitioner claims all the eastern portion of said land by metes

and bounds, under a deed filed in the case made to him by said Sicard under date of June 1st, 1849.

The petitioner, William Martin, claims one and a half square leagues of land, situated on the western portion of said tract, by virtue of a deed to him from said Sicard dated February 10th, 1851.

The petitioners, Thomas P. Turner and Albert Rowe, claim another portion of the premises, in proof of which they have given in evidence—

First, a deed from said Sicard to Joseph Black, dated June 14th, 1847;

Second, a deed from said Black to Francisco Lepage and Nicolas Lepage, dated May 26th, 1848;

Third, a deed from said Francisco and Nicolas Lepage to Augustin Chatelle, dated September 12th, 1849;

Fourth, a deed from said Chatelle to Charles H. Hoyt, dated July 2d, 1852;

Fifth, a deed from said Hoyt to John Turner, dated July 2d, 1852, of one undivided half of the premises claimed;

Sixth, a deed of same from said John Turner to Thomas P. Turner, of *of* the petitioners, dated October 22d, 1852;

Seventh, a deed of his remaining one undivided half from said Charles H. Hoyt to Henry E. Robinson, dated September 3d, 1852;

Eighth, a deed of same from said Robinson to Albert Rowe, one of the petitioners, dated January 27th, 1853.

By these conveyances the petitioners, Turner and Rowe, became the owners, as tenants in common, of the portion of the premises claimed in their petition.

A decree will be entered confirming to the petitioners their title to the portions of said premises thus held by them, respectively.

Confirmed.

Filed in office January 23d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Recorded in Record of Decisions, vol. 2, p. 474.

(Signed) GEO. FISHER, *Sec'y.*

Decree of Confirmation.

CLAUDE CHANA
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations of the parties, it is adjudged by the commission that the claim of the said petitioners is valid, and it is, therefore, hereby decreed that the same be confirmed to them in the manner hereinafter specified. The premises of which confirmation is hereby made is a portion of a tract of land situated in Yuba county, and known by the name of Nem-

shas, which was originally conceded to, and occupied by, John Sicard, containing four square leagues of land, and bounded and described as follows, to wit: situated on the margin of Bear creek, or Tancas, and bounded on the north by said Bear creek, on the east by the Sierra Nevada, on the south by vacant lands, and on the west by the land represented to belong to Señor Sutter, the said tract of land being located on the south side of said creek, one league in width, and extending along said creek four leagues, agreeably to the plat of the same constituting part of the espediente on file in this case, to which reference for further description is to be had. And there is hereby confirmed to the said several petitioners the following portions of said premises, of which they have shown themselves the owners by titles derived from said Sicard, to have and to hold the same as follows, to wit:

To said Claude Chana the eastern portion of said premises, being bounded on the southern, northern, and easern sides by the lines of said tract as above described, and on the west by lands known as the lands of Joseph Vero, (also a portion of said Nemshas;) the said land hereby confirmed to said Chana being one league in width from said Bear creek, and extending two leagues along said creek.

To the petitioner William Martin the portion of said premises at the western end thereof, which is bounded on the north, south, and west, by the lines of said tract called Nemshas, as above designated, and on the east by a line parallel to the west line of said entire tract, and at the distance of one league and a half from the same; the parcel hereby confirmed to said Martin being one and a half league in length along said creek, and extending one league back from the same.

To the petitioners Thos. P. Turner and Albert Rowe, all that portion of said premises first above described which is designated and bounded as follows, to wit: on the north by Bear creek, on which it has an extension of one mile on the east, by a line which may be run from the mouth of the above slough in a southerly direction for the distance of one Mexican league to the southern line of said entire tract of land; on the south by said southern line, running then in a westerly direction one mile; and on the west by a line run in a northerly direction parallel with the eastern boundary above mentioned until it reaches Bear creek, and thence by said creek to the place beginning.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office January 23d, 1855.

GEO. FISHER, *Sec'y.*

Recorded in Record of Decisions, vol. 2, p. 485.

And it appearing to the satisfaction of the board that the land hereby *adjudgedicated* is situated in the northern district of California, it is hereby ordered that two transcripts of the proceedings, and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in California.

I, George Fisher, secretary of the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing eighty-one pages, numbered from 1 to 81, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 196 on the docket of the said board, wherein Claude Chana is the claimant against the United States for the place known by the name of Nemshas.

In testimony whereof I hereunto set my hand and affix my private seal (not having a seal of office,) at San Francisco, California, this fifteenth day of October, A. D. 1855, and of the independence of the United States of America the eightieth.

(Signed) GEO. FISHER.

Notice of Appeal.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 3d December, 1855.

196—"Nemshas." Claude Chana, claimant.

You will pease take notice, that in the above case, decided by the commissioners to ascertain and settle the private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November, 1855, the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Endorsed: Filed February 1, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Petition for Review.

In the District Court of the United States in and for the northern district of Cal'a.

THE UNITED STATES, Appellants,
vs.
CLAUDE CHANA et als., Appellees. } No. 302.

The petition in the above cause on the part of the United States, by the district attorney, respectfully represents, that this is an application for a review of the decision of the board of land commissioners to ascertain and settle private land claims in California, whereby the claim of the said appellees was confirmed; that the transcript of the proceedings and decision of said board was duly filed in the clerk's office of this court on the 23d day of October, 1855, and notice of intention to prosecute the appeal on the 1st February, 1856; that the land claimed in this case lies in the northern district of California, and within the jurisdiction of this court; that the claim of the said appellees is invalid.

Your petitioners therefore pray that the decision of the said board of commissioners confirming said claim may be reviewed and reversed, and that said claim may be decreed to be invalid.

A. GLASSELL,
Acting U. S. Dist. Att'y.

Endorsed: Filed April 20, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Answer.

In the District Court of the United States in and for the northern district of Cal'a.

CLAUDE CHANA et als., Appellees,
ads.
THE UNITED STATES, Appellants. } No. 302.

For answer to the petition filed in this case, the said appellees answer and say, it is true that the land claimed in this case lies in the northern district of California, and within the jurisdiction of this court.

But he denies the allegation that his claim to the same is invalid, and avers that his claim and title are valid, and prays that the decree of the said board of commissioners confirming the same may be affirmed, and that this honorable court will decree the validity of his said claim.

THORNTON, WILLIAMS & THORNTON,
For Appellees.

Endorsed: Filed April 20, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Opinion.

THE UNITED STATES
vs.
CLAUDE CHANA et als.

The claim in this case rests upon what is known as the "general title" of Gov. Micheltorena. The validity of that title has already been affirmed by this court in the case of the United States v. S. J. Hensley, No. 33, and the only inquiries that arise are, whether the person from whom the claimants derive title was one of those for whose benefit the title issued, whether he has performed the conditions, and whether the land intended to be granted is sufficiently indicated. On the first point the evidence leaves no room for doubt. The documents contained in the espediente, and the evidence on file, clearly show that Pedro Teodoro Sicard was one of those who petitioned the governor, as to whose application Gen. Sutter had reported favorably, and for whose benefit the general title issued, and was delivered to the latter. The copy of the general title, which Gen. Sutter delivered to each petitioner in whose favor it had issued, is produced, with the certificate of Sutter showing it to be a copy of the original.

The board does not seem to have entertained any doubt as to the fact that Sicard was intended to be one of the grantees under the general title.

The evidence also shows that the conditions of occupation and cultivation were fully complied with, and the situation and boundaries of the land are indicated with great precision in the petition, and diseño which accompanies it.

The claim was confirmed by the board, and the case has been submitted without argument or objection on the part of the United States to its validity.

We are of opinion that a decree affirming the decision of the board should be entered.

Decree.

In the United States District Court for the northern district of California.

THE UNITED STATES
vs.
CLAUDE CHANA et als.
No. 302.—Stated term, October 16, 1856.

This cause, coming on this day to be heard upon the pleadings and upon the transcript of the record of the proceedings and decision of the United States land commissioners, was argued by counsel.

In consideration whereof, this court is of opinion there is no error in the decision of the said board of commissioners, and that the same should be and is hereby affirmed.

And this court doth adjudge, order and decree that the title of the said claimants is valid, and that the same be and is hereby confirmed. The land of which confirmation is made is situated in the county of Yuba, and is a portion of the tract known by the name of Nemshas, which was originally conceded to and occupied by John Sicard, containing four square leagues of land, and bounded and described as follows, to wit: situated on the margin of Bear creek or Tancas, and bounded on the north by said Bear creek, on the east by the Sierra Nevada, on the south by vacant lands, and on the west by land reported to belong to Señor Sutter; the said tract of land being located on the south side of said creek, one league in width, and extending along said creek four leagues, agreeably to the plat of the same constituting part of the espediente on file in this case, to which reference for further description is to be had. And there is hereby confirmed to the said several petitioners the portions of said premises of which they have shown themselves the owners by titles derived from the said Sicard: to have and to hold the same, in severalty, as follows, to wit:

To said Claude Chana the eastern portion of said premises, being bounded on the southern, northern, and eastern sides by the lines of said tract as above described, and on the west by lands known as the lands of Joseph Vero, (also a part of said Nemshas;) the said lands hereby confirmed to said Chana being one league in width from said Bear creek, and extending two leagues along said creek.

To the petitioner William Martin, the portion of the said premises at the western end thereof, which is bounded on the north, south, and west, by the lines of said tract called Nemshas, as above described, and on the east by a line parallel to the west line of said entire tract, and at the distance of one league and a half from the same; the parcel hereby conveyed by said Martin being one and a half league in length along said creek, and extending one league back from the same.

To the petitioners Thomas P. Turner and Albert Rowe, all that portion of said premises first above described which is designated and bounded as follows, to wit: beginning on said Bear creek at the mouth of a certain slough, supposed to be about two hundred yards above the place known as the "Old Crossing," and extending downwards, is bounded as follows: on the north by Bear creek, on which it has an extension of one mile; on the east by a line which may be run from the mouth of the above mentioned slough, in a southerly direction, for the distance of one Mexican league to the southern line of said entire tract of land; on the south by said southern line, running thereon westerly one mile; and on the west by a line run in a northerly direction, parallel with the eastern boundary above mentioned, until it reaches Bear creek; and thence, by said creek, to the place of beginning. For more par-

ticular description, reference is to be had to the deeds contained in the transcript of the record from the said board of land commissioners.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed October 16, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room in the city of San Francisco, on Wednesday, the first day of April, in the year of our Lord one thousand eight hundred and fifty-seven. Present, the Hon. Ogden Hoffman, district judge.

THE UNITED STATES
vs.
CLAUDE CHANA et als. } D. C. 302.—L. C. 196.

In this case, on application of the U. S. attorney, made in open court, it is ordered by the court that an appeal in behalf of the United States from the final decision of this court, rendered at the present term, be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court without delay.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed April 1, 1857.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Theodore Sicard to Claude Chana.—Quit-claim.

Indenture made this fourth day of September, A. D. one thousand eight hundred and fifty-seven, between Theodore Sicard, of the county of Butte, party of the first part, and Claude Chana, party of the second part.

Whereas heretofore, to wit, on the first day of June, A. D. 1849, the party of the first part sold to the party of the second part a certain tract of land, situated at present in Sutter county, for the consideration of six thousand dollars, and intended, by a conveyance of that date executed and delivered to the said party of the second part, to grant and convey to him the premises which in this instrument are hereinafter described, but by mistake designated the said premises, in the description thereof, as "bounded on the west by the land of Joseph Vero;" and whereas the said party of the first part is desirous of correcting the error in the description of

said premises, so as to convey the premises actually sold to the said party of the second part:

Now, therefore, this indenture witnesseth, in consideration of the premises, and of one dollar to him in hand paid, the receipt whereof is hereby acknowledged, the said party of the first part has remised, released, and quit-claimed, and by these presents does hereby remise, release, and quit-claim, unto the said party of the second part, and to his heirs and assigns forever, all his right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as expectancy, of, in, and to all that certain piece or parcel of land situated on the southern bank of Bear creek, in Sacramento valley, Upper California, and bounded and described as follows: on the north by said Bear creek, which creek flows from the Sierra Nevada, and empties into the Feather river; on the east by the Sierra Nevada; on the south by a line running parallel with said Bear creek, and distant in every part three miles from said creek, and having extension upon said last mentioned line, westwardly, two leagues one mile and six hundred yards; and from thence, at right angles, in a straight line to said Bear creek;—the said parcel of land hereby conveyed being, in all parts, three miles in width, and two leagues one mile and six hundred yards in length—except those portions heretofore conveyed by him to Joseph Black, by deed bearing date the 14th day of June, 1847; and also excepting that portion conveyed to Joseph Vero, by deed bearing date June 1st, 1849—with all and singular the hereditaments and appurtenances thereunto belonging: to have and to hold the said premises, with their appurtenances, unto the said party of the second part forever.

In witness whereof, the said party of the first part has hereunto set his hand and seal, this day and date first above written.

THEODORE SICARD. [SEAL.]

Signed, sealed, and delivered in presence of—
W. WILLSON SMITH.

STATE OF CALIFORNIA,
County of Yuba, ss.

On this fourth day of September, A. D. one thousand eight hundred and fifty-seven, personally appeared before me, a notary public in and for said county, Theodore Sicard, personally known to me to be the individual described in and who executed the above instrument, and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I hereunto set my hand and affix my seal, the day and date in this certificate above written.

[SEAL.]

W. WILLSON SMITH,
Notary Public, Yuba county, Cal'a.

Filed for record Sept. 5, A. D. 1857, at 10 o'clock a. m., and duly recorded in book E of Deeds, records of Sutter county, on pages 174, '5, '6.

E. E. WILCOXON,
County Recorder.
By D. E. HAMBLIN, *Dep'y.*

Endorsed: Filed October 17, 1857.

JOHN A. MONROE,
Clerk.
By J. EDGAR GRYMES,
Deputy.

Clerk's Certificate.

I, John A. Monroe, clerk of the district court of the United States for the northern district of California, do hereby certify that the annexed pages, from one to one hundred and four, inclusive, contain a full, true, and correct transcript of the record on file from the board of land commissioners, together with the pleadings, depositions, orders, opinion and decree filed in this office, in the case entitled The United States, appellants, vs. Claude Chana et als., appellees.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, the nineteenth day of October, A. D. 1857, and of our independence the 82d.

[SEAL.]

JOHN A. MONROE, *Clerk.*

Filed 5th March, 1858.